

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
FEBRUARY 1, 1967

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, February 1, 1967 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - BROWN, CULBERTSON, HUNNELL
KIRSTEN and WALTON (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, City Attorney Mullen, Administrative Assistant Peterson and Planning Director Schroeder.

MINUTES

Councilman Kirsten moved that the minutes of January 18, 1967 be approved as written and mailed. Councilman Culbertson questioned the wording of the motion in the second paragraph on page 3 regarding the rental to be charged the baseball club, stating that it was not in accordance with his understanding that the minimum per game would be figured on the season basis. Councilman Kirsten said that was not the intent of his motion. Councilman Culbertson then stated he would have voted against the motion if he had understood the per game minimum. The motion to approve the minutes of January 18 was seconded by Councilman Brown and carried unanimously.

Councilman Kirsten, Brown second, moved that the Minutes of January 25, 1967, be approved as written and mailed. Motion carried, with Councilman Culbertson abstaining.

PUBLIC HEARINGS

APPEAL -
VERNON WELDIN
RE RECREATION
CENTER

Notice thereof having been published in accordance with law, Mayor Walton opened the public hearing on the appeal of Vernon W. Weldin from the decision of the Planning Commission by a tie vote denying him a use permit to operate a family recreation center (with four pool tables) at 14 South School Street. City Attorney Mullen read portions of the City Code giving criteria for granting or denying a use permit. The appellant, Vernon W. Weldin, 1801 Analitis Drive, spoke in behalf of his request. The following persons spoke against the appeal: Vincent Sisco, Manager of Hotel Lodi, 7 South School Street; Elmer Van, 122 West Oak Street, who said he was also representing Fuller's, Harry Dobler and Gary Siefried; and Ivan Suess, owner of a boy's store on the Downtown Mall. Receipt of a petition protesting issuance of the use permit signed by ten operators of business in the area was also noted. There being no further correspondence or persons present who wished to be heard, the public portion of the hearing was closed. Councilman Culbertson stated he had some association with the petitioner and wished to abstain from the discussion and voting on this matter. Other members of the Council felt there was no valid reason for denying the permit and after discussion, Councilman Kirsten moved that the appeal of Vernon W. Weldin be granted and that he be issued a use permit for a recreation center at 14 South School Street, subject to City ordinances. The motion was seconded by Councilman Hunnell and carried, with Councilman Culbertson abstaining.

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Planning Director Schroeder suggested that the City Code be amended in regard to issuance of a use permit for family billiard parlors since they are now regulated by Section 15-12 of the Code.

MAXIMUM SIGN
AREA IN C-P ZONE

Notice thereof having been published in accordance with law, the Mayor called for public hearing on the Council-initiated proposal to amend the City Code to change the maximum allowable sign area in a C-P zone from 12 square feet to 20 square feet. The Planning Commission has recommended that no change be made. Mr. Harry Duerksen, representing the Bethel Open Bible Church, 140 South Fairmont, was in favor of increasing the maximum sign area. He said his church has a 26 square-foot sign which they want to use. There were no other persons in the audience who wished to be heard on this matter and no correspondence. After Council discussion, Councilman Kirsten moved that the proposal to amend the City Code by increasing the allowable maximum sign area in a C-P zone to 20 square feet be denied. The motion died for lack of a second. Councilman Culbertson moved to allow a maximum sign area of 20 square feet in the C-P zone for all uses and also to change the ratio of square foot of sign area to one square foot to 8 lineal feet of lot frontage up to a limit of 20 square feet. The motion was seconded by Councilman Brown and failed to carry by the following vote:

Ayes: Councilmen - BROWN and CULBERTSON

Noes: Councilmen - HUNNELL, KIRSTEN and WALTON

Councilman Kirsten moved that the provision in the Code for sizes of signs in the C-P zone remain as is. Councilman Hunnell seconded the motion which carried by the following vote:

Ayes: Councilmen - HUNNELL, KIRSTEN and WALTON

Noes: Councilmen - BROWN and CULBERTSON

PLANNING COMMISSION

Mr. Graves reported the following actions of the Planning Commission:

1. Approved the request of Mrs. Jean Dunlap for a use permit to establish a home beauty shop at 423 West Elm Street in an area zoned R-4, Multiple-Family Institutional District.
2. Denied the request of Mr. Thomas J. Doyle for a variance to erect 189 square feet of sign area on a parcel where only 134 square feet of sign is permitted at 873 East Pine Street in an area zoned "M" Industrial District.
3. COUNTY REFERRAL - Recommended the denial of the referral by the San Joaquin County Planning Commission of the request of Mr. Jack Comer for a change in zoning from R-3 Residential to C-2, Community-Commercial for a 10,000 square foot area at the southwest corner of Mokelumne and Lilac Streets in the Town of Woodbridge.

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PUBLIC HEARINGS (continued)

APPEAL -
T. DOYLE RE
SIGN

Mr. Stewart Adams, representing Mr. Thomas J. Doyle, addressed the Council concerning the request of Mr. Doyle for a sign variance which had been denied by the Planning Commission. He stated that Mr. Doyle had expressed his intention to appeal the decision of the Planning Commission, had received the notice concerning the five-day limitation for submitting an appeal, but had been unavoidably detained, and unable to file his appeal on Monday which was the last day to file. Mr. Adams was therefore requesting that the Council waive the five-day limitation. Otherwise Mr. Doyle would have to make reapplication to the Planning Commission. City Attorney Mullen informed the Council that the Council could waive the limitation if it felt there was sufficient justification. Councilman Culbertson expressed his concern that it might become a habit to file belated appeals. He then moved that the Council waive the five-day limitation on the appeal of Thomas J. Doyle, but not make a habit of such action, and that the matter be set for public hearing at the meeting of March 1, 1967. The motion was seconded by Councilman Kirsten and carried.

COMMUNICATIONS

APPEAL RE
BEAUTY SHOP
AT 423 W. ELM

An appeal was received from the operators of eight beauty salons protesting the issuance of a use permit to establish a home beauty shop at 423 West Elm Street. On motion of Councilman Hunnell, Brown second, the appeal was set for public hearing at the meeting of February 15, 1967.

RECESS

At 9:35 p.m. the Mayor declared a five-minute recess.

REPORTS OF THE CITY MANAGER

MOSQUITO
ABATEMENT DIST.
SITE DEVELOPMENT

Mr. Graves read a letter from the Northern San Joaquin County Mosquito Abatement District explaining that the District had recently purchased a site for future operations north of the present State Maintenance Station and east of the 99 Freeway frontage road. Since the District has very limited funds for immediate development of this site in accordance with City requirements, it is asking the City to approve the following:

1. Installation of about 200 feet of sidewalk, curb and gutter at present, which is necessary for access, and that the remaining 475 feet be installed as needed.
2. Payment of storm drainage fee for one acre only since the remainder of the property will be ponded and not drainable.
3. Engineering assistance from the City for water and sidewalks.

Mr. Robert H. Peters, Manager, and Mr. Robert S. Fuller, local member of the District's Board of Trustees, were present as representatives of the Board.

Mr. Graves pointed out that in accordance with the City Code certain improvements are required for development of property and these improvements are what the District is concerned about. Mr. Robert H. Peters, Route 1, Box 16, Acampo, Manager of the District,

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explained that the ponded area would be used for the propagation of mosquito fish and other predators of mosquitoes, and since this ponded area would not require drainage, the District was requesting that they not be charged a drainage fee on this portion of the property. He said they would be willing to put in 200 feet of sidewalk, curb and gutter now and the balance when the City requires it. City Manager Graves drew a sketch of the property on the blackboard to indicate how it was being used. He said the City could enter into a contract with the Mosquito Abatement District which would protect the City. He said he would not want to commit the City as far as engineering services are concerned since the staff has projects scheduled and it might not be easy to schedule this extra job. Mr. Peters stated they wanted to get going on the job as soon as possible.

Stating that the District had to depend on taxes, Councilman Brown moved that the City accept the proposition for development of the Northern San Joaquin County Mosquito Abatement District property as outlined in their letter and that the District be given a maximum of six years in which to complete the improvements. The motion was seconded by Councilman Kirsten and carried.

CLAIMS

Claims in the amount of \$176,130.57 were approved on motion of Councilman Culbertson, Kirsten second.

Lodi BALL CLUB OFFICE AREA

City Manager Graves presented the Council with figures on the costs of moving the check stand from Lodi Lake Park or the geodesic dome from Lincoln School or of erecting a new building at Lawrence Ballpark to be used as office space for the baseball club. For moving and/or building and equipping for office use with one restroom, the estimated costs were as follows:

Check stand	432 sq. ft.	\$3,883
Dome	485 sq. ft.	3,700
New building	432 sq. ft.	5,542

Mayor Walton also mentioned the possibility of having the City move the check stand and of letting the Club fix it for their use and having it rent free.

Mr. Howard Clark, president of the Lodi Baseball Club, 2525 Victor Road, said an office at the park would be wonderful, but he felt the prices quoted were way out. He thought something could be worked out with the check stand. He also proposed that the Club pay a flat fee of \$2500 for lease of the park.

Mr. Graves said that the City could move the stand, place it on a concrete slab and provide one restroom for approximately \$1,680. Councilman Kirsten suggested that the City do this and that the Club do the rest and receive rent free for a period of time, say four years.

Councilman Culbertson was of the opinion that the figures on a new building were high. He said the City could charge rent on a new building which he felt was preferable to having the club fix up the check stand and having it rent free. City Manager Graves said the ball club may have to pay taxes because of possessory interest. Mr. Culbertson thought a building could be put up and rented for \$50 a month. He said the money would be invested one way or the other and felt the

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City should prepare plans and get bids on a building before making a decision. Councilman Culbertson moved that the Council postpone action on moving any buildings and get someone to draw up plans for an office building at the ball park and get bids as soon as possible. The motion was seconded by Councilman Kirsten and carried by unanimous vote.

BALL CLUB
LEASE OF
LAWRENCE
PARK

Councilman Kirsten reiterated his view that it is difficult to make a contract depend on attendance and unfair to penalize the ball club for putting forth sales efforts. He then moved that the City lease the ball park to the Lodi Baseball Club for \$1144.50 for the box seats and \$20 per game. His motion was seconded by Councilman Hunnell. Councilman Culbertson suggested that a flat fee of \$2500 be charged. Councilman Hunnell felt the box seats should be separate. The motion carried, with Councilman Culbertson voting no. Mr. Clark said the ballclub would accept these terms, but he could make no promises at this time in regard to office space. Councilman Culbertson moved that \$1250 be due on July 15 and the balance on September 15. The motion was seconded by Councilman Kirsten and carried by unanimous vote.

CHANGE ORDERS
FOR PUBLIC
SAFETY BUILDING

City Manager Graves recommended that the following change orders for the Public Safety Building which had been received from Architect Marion J. Varner be approved:

#7 - Alter window sashes - \$572.88

On motion of Councilman Kirsten, Culbertson second, the Council approved Change Order No. 7.

#8 - Revise roof and mechanical platform - \$265.65

On motion of Councilman Kirsten, Culbertson second, the Council approved Change Order No. 8.

#9 - Special faucet for darkroom sink - \$43.89

On motion of Councilman Hunnell, Kirsten second, Change Order No. 9 was approved by the Council.

DESTRUCTION
OF RECORDS
RES. NO. 3023

On motion of Councilman Hunnell, Kirsten second, the City Council adopted Resolution No. 3028 authorizing destruction of certain records as approved by the City Attorney.

SPECS -
COPPER CABLE

Mr. Graves presented specifications for 2,700 feet of 500 MCM copper cable. On motion of Councilman Culbertson, Kirsten second, the Council approved the specifications and authorized calling for bids thereon.

LAWRENCE
BALLPARK
CONCESSION

Mr. Graves said he had received a letter from Mr. Jake Ferguson, concessionaire at Lawrence Ball Park, stating it was inconvenient for him to run the concession because of health reasons and he had therefore recently completed arrangements with Mr. Ray De Lapp of Coca Cola Bottling Company and with Mr. Ray Bennett to take over the concession. He is now requesting permission from the Council to assign the balance of his contract to Mr. De Lapp and Mr. Bennett. Mr. Ferguson, who was present, said he had a 3-year contract with the Ball Club. Mr. Graves recommended that the assignment be approved. Councilman Kirsten pointed out that differences between the Ball Club

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and Mr. Ferguson have not been worked out. The Council inquired about terms of the contract with Mr. Ferguson and further discussion was postponed while the Administrative Assistant went after the contract.

SPECS -
SANITARY SEWER
LOWER SACTO RD

Mr. Graves stated that in connection with the development of the Westgate Shopping Center at the southwest corner of Lodi Avenue and Lower Sacramento Road, the west side of Lower Sacramento Road must be improved from the Irrigation District canal to Lodi Avenue. The Capital Improvement Program calls for a sanitary sewer in this location and the Public Works Director had expected to schedule this project for the next fiscal year. However, because of the street improvement required in connection with the development of the shopping center, the Public Works Director recommends that the sewer line be installed before construction of the street. The estimated total cost is \$14,400. Councilman Culbertson moved that the specifications for this project be approved, that the expenditure of \$14,400 from the sanitary sewer bond funds be authorized therefor, and that calling for bids be authorized. His motion was seconded by Councilman Kirsten and carried.

LAWRENCE
BALLPARK
CONCESSION

The concession contract with Jake Ferguson was given to City Attorney Mullen who reviewed its conditions and suggested that the City inspect Mr. Ferguson's books before assignment of the contract. He also said the City should have assurance of the assignee's insurance and that date of payments should be included in the assignment. On motion of Councilman Kirsten, Culbertson second, the request to assign the concession contract for Lawrence Ballpark was deferred to the meeting of February 15, 1967.

Mr. Graves said the local Chamber of Commerce had invited members of the Council to attend a noon meeting on February 13. Also, Mr. Varner will be in Lodi on February 6 and will give members of the Council a tour of the Public Safety Building. Tours were scheduled for 12 noon and 5 o'clock.

REGIONAL
PLANNING
AGENCY

Mayor Walton asked for a formal statement from the Council concerning formation of a regional planning agency in San Joaquin County. He said the idea of a regional planning agency was sound and was a necessity in order to get funds from the Federal Government. The law provides that the County has power to form this agency and the Board of Supervisors has adopted a motion to form an Intergovernmental Alliance for Regional Planning in San Joaquin County. Mr. Graves suggested that the representative from each city on the Local Agency Formation Commission be appointed to represent his city on this agency.

Councilman Kirsten moved that the City of Lodi representative be that member of the Council who is on the Local Agency Formation Commission. The motion was seconded by Councilman Brown and carried by unanimous vote.

Councilman Kirsten then moved that the City's delegation to the next meeting with the Board of Supervisors to discuss formation of the regional agency be advised to represent the City with the Mayor as spokesman to express positive interest in an intergovernmental alliance for regional planning in San Joaquin County

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and suggest it consist of one elected representative from each city and one from the County. The motion was seconded by Councilman Hunnell. Councilman Culbertson said he was not too enthusiastic about establishing this agency, that it would result in a lot of duplication and wasted energy. The cities and the County have planning commissions and the County-wide Local Agency Formation Commission. He felt it would be better to have the regional agency built around the Local Agency Formation Commission. Other members of the Council expressed the view that it would not be a duplication, would conform to requirements for Federal funds, and would serve to establish priorities for expenditure of such funds. After further discussion, the motion carried by unanimous vote.

EASEMENTS FOR
OUTFALL LINE TO
DISPOSAL AREA

City Attorney Mullen stated that Projects Officer Elmer Weimer had been meeting with farmers along the route for the outfall line to the White Slough treatment area. The City needs a 20-foot easement for the line and temporary easements of 50 feet on each side of the 20-foot easement during the construction period. The City will be paying for damage to crops, etc. Mr. Mullen requested that the Director of Public Works be given authority to sign formal agreements between the City and the property owners covering these easements and the amount to be paid for damages. Councilman Kirsten moved that the Director of Public Works be given the authority to sign agreements on behalf of the City for the purpose of obtaining easements for installation of the outfall line to the disposal area. The motion was seconded by Councilman Culbertson and carried.

EMPLOYEES
COMMENDED

Councilman Brown said all the employees who worked during the recent storm should receive a pat on the back for the tremendous work they had done and requested that a letter be written to each department involved expressing the thanks of the Council.

ASH TRAYS


Councilman Kirsten requested that clamp-on ash trays be obtained for seats in the Council Chambers.

PUBLIC
RELATIONS

On motion of Councilman Culbertson, Kirsten second, discussion of public relations was continued to the meeting of February 15, 1967.

ADJOURNMENT

There being no further business, the Council adjourned at 12:05 a.m.


Attest: BEATRICE GARIBALDI
City Clerk